

**REMARKS**

Claims 1-18 are pending in this application.

**Specification**

The disclosure has been objected to because the specification refers to embodiments of the invention being described by specific claims.

Applicants wish to draw Examiner's attention to the substitute specification filed on March 20, 2006, in which the foregoing statement was removed.

In view of this, Applicants submit that this objection is improper and should be withdrawn.

Further, minor changes have been made to the specification to place it in better form for U.S. practice.

**Claim Objections**

Claim 7 has been objected to because of some informalities.

In view of this, claim 7 has been amended to overcome this objection.

The Examiner is respectfully requested to reconsider and withdraw this objection.

Further, minor changes have been made to the pending claims, without affecting the scope thereof, to place them in better form for U.S. practice.

**Information Disclosure Statement**

The Examiner has required that a legible copy of JP915110A, listed on the IDS filed March 20, 2006 be provided.

In view of this, a copy of JP 915110A has been submitted in an IDS filed concurrently herewith as requested by the Examiner.

The Examiner is respectfully requested to consider this reference and initial and return the attached SB/08 to Applicants.

**Claim Rejections - 35 U.S.C. § 102**

Claims 1-9 and 11-16 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Kobayashi (US 2001/0050719A1). This rejection is respectfully traversed.

Claim 1 has been amended to claim:

a focus lens moving unit, which continuously moves a focus lens while said image signal acquirer acquires the image signal . . . (*emphasis added*)

This feature is disclosed, for example, in Fig. 2 and Fig. 3 (scanning of lines 2 and 4).

In the Office Action, the Examiner alleges that Kobayashi discloses “a focus lens moving unit (308) which moves a focus lens during an acquisition time period” by referring to paragraph [0086] and taking a position that the “acquisition time period is interpreted as the time elapsed during the search for an autofocus point.”

Applicants submit that Kobayashi states, in paragraph [0086]:

The horizontal direction in FIG. 8 represents the lens position of the zoom lens 301 and the maximum position of the AF evaluation value is the focus position FP. When the lens position moves in the direction of increasing AF evaluation value in specific steps (single steps in this embodiment), the zoom lens 301 soon passes the focus position, and the AF evaluation value starts to decrease as movement continues in that direction. (*emphasis added*)

Therefore, in Kobayashi, the lens position moves in specific steps (i.e., intermittently), and does not move “continuously . . . while said image signal acquirer acquires the image signal,” as recited in claim 1. Accordingly, Kobayashi fails to disclose or suggest the “focus lens moving unit,” as recited in claim 1.

Claims 2-9 and 11-16, variously dependent on claim 1, are allowable at least for their dependency on claim 1.

The Examiner is respectfully requested to reconsider and withdraw this rejection.

**Claim Rejections - 35 U.S.C. § 103**

Claims 10 and 17-18 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Kobayashi in view of Taubman (USP 6,995,796). This rejection is respectfully traversed.

Claims 10 and 17-18, variously dependent on claim 1, are allowable at least for their dependency on claim 1.

The Examiner is respectfully requested to reconsider and withdraw this rejection.

**Conclusion**

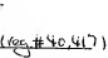
Accordingly, in view of the above amendments and remarks, reconsideration of the rejections and objections, and allowance of the pending claims are earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Maki Hatsumi Reg. No. 40,417 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Dated: September 22, 2009

Respectfully submitted,

  
By   
Charles Gorenstein  
Registration No.: 29,271  
BIRCH, STEWART, KOLASCH & BIRCH, LLP  
8110 Gatehouse Road, Suite 100 East  
P.O. Box 747  
Falls Church, Virginia 22040-0747  
(703) 205-8000  
Attorney for Applicant